



COUNTY OF LOS ANGELES PROBATION COMMISSION
9150 EAST IMPERIAL HIGHWAY
DOWNEY, CALIFORNIA 90242
(562) 940-2754



Joe Gardner
President

DATE, JANUARY 8, 2017

TO: Los Angeles County Board of Supervisors
Los Angeles County Probation Commission
Terri McDonald, Chief Probation Officer
California Board of State and Community Corrections
California Department of Corrections and Rehabilitation

SUBJECTS: Los Angeles County Probation Commission Annual Report – 2016
Juvenile Custody Facilities Inspection Reports - 2016

Legal Authority

The Los Angeles County Probation Commission was established pursuant to Section 240 (WIC), and, by reference, to other applicable provisions of the Welfare and Institution Code, and by Article IV, Section 14, of the Los Angeles County Charter. The Commission shall also have such authority as otherwise provided by statute and ordinance, and/or resolution established by the Board of Supervisors. The Commission is authorized to act in an advisory capacity to the Chief Probation Officer and pursuant to California Welfare and Institutions Code Section 229:

"It shall be the duty of the commission to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose, the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions no less frequently than once a year, and may hold hearings. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission.

The commission shall annually inspect any jail or lockup within the county which in the preceding calendar year was used for confinement for more than 24 hours of any minor. It shall report the results of such inspection together with its recommendations based thereon, in writing, to the Juvenile Court and to the Board of Corrections."

Commissioners

Joe Gardner-President, Jan Levine-1st Vice President, Clayton Hollopeter-2nd Vice President, Daniel Seaver-3rd Vice President, Donald Meredith-Sergeant at Arms, Azael Martinez-Sonoqui, Cyn Yamashiro, Esq. Fitzgerald Jones, Gabriella Holt, R.N. E.J.D. Jacqueline Caster, Esq. Jo Kaplan, Esq. Olivia E. Mitchell, Peter Shutan, Zachary Hoover, Betsy Butler

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Structure

The Probation Commission consists of fifteen members, Commissioners serve four-year terms. Three appointments are granted to each of the five County Supervisors. Commissioners reflect the diversity of the community and bring expertise from various professions such as healthcare, education, the legal profession and law enforcement. They apply their expertise to evaluate and review the policies and operations of the Los Angeles County Probation Department. The Commissioners also provide a citizen interface between the Department, the community, and the Board of Supervisors.

Functions

The Probation Commission performs its functions through public meetings. The commission reviews Probation programs, conducts periodic inspections of camps, juvenile halls, and facilities. It conducts panel interviews with administrators and key personnel to evaluate policies and procedures. The commission also develops recommendations to Probation Department personnel and other county departments that impact the Probation Department. The commission submits an annual report to the Board of Supervisors.

In its capacity as liaison for the public, the Commission encourages interaction between community representatives, the County courts, the Board of Supervisors, and those minors and adults under the jurisdiction of the Probation Department.

The President of the Probation Commission serves as a voting member of the Countywide Criminal Justice Coordinating Committee. Participants are other executives from the county, law enforcement, the courts and government organizations. The Commission President or designee also serves as a member of the Los Angeles County Re-entry Program chaired by Superior Court Judge Donna Groman.

Primary Focus

The Probation Commission has traditionally focused primarily upon the young wards in County juvenile Probation institutions, while providing cursory advisory oversight to the operations impacting the adult probationers.

The focus for youths has been to advise the Probation Department to promote health, education, vocational training, and aftercare programs to impact the antisocial behavior of minors and redirect them into a mainstream of the community where they can become productive members of society. This has remained the main focus of the commission since and during the United

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States Department of Justice monitoring of the Los Angeles County Probation Department's Juvenile Custody Facilities.

The Los Angeles County Probation Department works closely with the California Division of Juvenile Justice for individuals that will be released to Los Angeles County and the aftercare needed. The Probation Commission has made monitoring the programs and funding priority of the commission's oversight.

The Commission also took the lead in working with the Probation Department, and the Burbank, Glendale, and Pasadena Police Departments in order to establish the first AB109 Task Force with a Probation Officer to work AB109 and compliance operations. This concept has expanded to include several other regional operations.

The Probation Commission was instrumental in working with executive staff of the department to acquire and develop a Probation Academy. This academy is the only Probation Academy in the state of California. The Commission is working with staff, the Commission on California Peace Officer's Standards and Training (POST), and California Board of State and Community Corrections, Standards and Training for Corrections (STC) to obtain training certification for a number of classes to enhance the skill sets and professionalism of Probation Officers.

Given the enormity of the task to provide advisory oversight to Department operations and the commission's limited resources and budget, members of the commission have primarily focused on the following areas in order of priority:

Youth:

- Custody facilities
- Programs
- Schools and educational programs
- Aftercare
- Policy/procedures
- Use of the HOPE Centers (Formerly the Special Housing Units)
- Staff training and behavior.

Staff Training and Recruiting:

- Staff training to Basic Academy (entry)
- Staff training In-service, Supervisory, Management, and Advanced training
- Staff training in aftercare, dealing with the mentally ill, managing difficult populations, and professional custody management

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- Recruiting – reviewing recruitment practices, appropriate testing, screening, and backgrounds.

Adult:

- Field Office and activities to include: Gang Unit, Special Enforcement Unit, and Field Operations
- Policy/Procedures
- Post Community Release Supervision, recidivism, and impact on public safety and local law enforcement
- Activities and operations with allied agencies.

Accomplishments

During the year 2016, members of the Probation Commission embarked on an ambitious project to improve oversight of the Probation Department:

- On February 7th Commissioner Jan Levine submitted proposal to charter and expand the commission's powers of oversight.
- Commissioner Gardner conducted research to expand oversight of the Probation Department. Members of the commission worked on preparing a detailed and comprehensive proposal to improve oversight of the Probation Department. The letter also includes recommendations for a budget and resources for the commission. Commissioners voted to accept the final draft at the April 28th commission meeting. The proposal was emailed to each office of the Board of Supervisors. The letter was evaluated by the oversight working group established by the Board of Supervisors. and will be part of a study package for consideration for the Board of Supervisors. (see attached)
- The commission voted in majority on April 14th to accept a resolution to ban solitary confinement within the Probation Department's camps and facilities. The signed resolution was distributed to Interim Chief Remington and Board of Supervisors. The commission's resolution and continued monitoring coupled with a mandate issued by the Board of Supervisors has caused the Probation Department to make sweeping changes to end the practice of solitary confinement. (see attached)
- On August 25th, the commission passed a resolution in support of the Fair Chance Initiative. The resolution is an effort to advocate for increased employment of formerly incarcerated people to restore dignity and economic responsibility. (see attached)
- The commission worked to revise the commission website and revise the commission's bylaws to assure compliance with the Brown Act.
- Four of our commissioners were significantly involved in a year-long project to renovate Camp Kilpatrick. They participated in the development of programming, education, design,

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and staff training, all with the mission of making positive changes to the culture in our camps to benefit the welfare of incarcerated youths.

- One commissioner has also been working for several years creating and implementing a restorative justice diversion program with the courts, LAPD, Sheriff's Department and other police departments in the county, keeping fewer kids from ever entering the system.

The commission's key work has been its ability to bring to light deficiencies within the department with the expectation that the Chief Probation Officer would delegate appropriate staff to mitigate and eradicate those issues. To date, the commission has exposed:

- An unauthorized closure of the Care Unit at Eastlake Juvenile Hall. It was reopened due to pressure from commissioners and restored services to incarcerated youth suffering from mental illness.
- The chronic absence of grievance forms available to youth in many camps and halls.
- A culture of retaliation against incarcerated youth for filing grievances.
- A dysfunctional and unresponsive Ombudsman's Office.
- Lack of a formal parental grievance system.
- Lack of educational or vocational opportunities for youth who already have a diploma or have completed their GED.
- Lack of effort made by staff to engage youth during the day which has caused youth to simply sit in their dormitory beds or their cells with no activity.
- Unutilized HOPE center rooms while youth are locked in their rooms.
- The disregard of the dignity of male youth by placing female staff to oversee showering and toilet areas.
- Unsanitary conditions in bathrooms and lack of hot water.
- Lack of bottled water provided with meals for youth at Camp Challenger.
- Lack of functioning athletic equipment available to youth.
- A culture of particular disrespect for transgender youth.
- Misinterpretation of the Title 15 rules regarding daily caloric intake that left many youths complaining of hunger. In one particular egregious situation, a female-identifying transgender youth with male biology was restricted to a female standard daily diet with an improper caloric intake even for females. As a result, the calorie restriction was raised to the proper levels and is now equal for both boys and girls.
- Foul language being directed at youth.
- Lack of adequate transportation for parents to visit their children or attend classes.

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Challenger Memorial Youth Center
5300 W. Avenue I
Lancaster, CA 93536
(661) 940-4144

- Camp Mc Nair
- Camp Onizuka 01/24/16 Inspected by Commissioner Hollopeter
- Camp Jarvis
- Camp Resnick
- Camp Scobee
- Camp Smith

Date of Inspections (All Camps) – 02/03/16, 04/11/16 and 7/19/16
Inspected by: Commissioners Gardner, Caster, Hollopeter and Jones

Camp Afflerbaugh
6631 North Stephens Ranch Road
La Verne, CA 91750
(909) 593-4937
Date of Inspection – 05/18/16 and 11/11/16
Inspected by: Commissioners Hollopeter and Gardner

Camp Gonzales
1301 North Las Virgenes Road
Calabasas, CA 91302
(818) 222-1192
Date of Inspection – 11/07/2016
Inspected by: Commissioners Seaver and Caster

Camp Paige
6601 N. Stephen Ranch Road
La Verne, CA 91750
(909) 593-4921
Date of Inspection – 11/11/16
Inspected by: Commissioner Joe Gardner

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Custodial Facility Inspections

During 2016 the combined population of all youths assigned to camps was less than 560 daily. This is down significantly from 2005. During that ten year period a number of camps have been closed. One was demolished and replaced with a new facility which incorporates the best practices for a facility that will foster a more home-like and rehabilitative atmosphere, often referred to as the Missouri Model.

In 2016 the daily population of any camp was less than 60 and most averaged 40 or less.

Members of the Probation Commission conducted periodic inspections of the various custody camps and Juvenile Halls. These inspections range from surprise spot audits to comprehensive inspections of facilities. Inspections included assuring compliance with the Minimum Standards for Juvenile Facilities under Title 15, Crime Prevention and Corrections Division 1 and Board of State and Community Corrections Chapter 1, Subchapter 5 which took effect on April 1, 2014.

Commissioners may also review programs, activities, education, and other factors that would contribute to the success or failure of a ward.

Probation custody facilities are also inspected by the Sybil Brand Commission, the Los Angeles County Fire Department, the Los Angeles County Health Department, and other governmental agencies.

The following facilities were inspected by members of the Los Angeles County Probation Commission. Reports and notes were forwarded to the Probation Department and/or retained by individual commissioners.

Barry J. Nidorf Juvenile Hall
16350 Filbert St.
Sylmar, CA 91342
(818) 364-2011
Date of Inspection: 01/18/2016
Inspected by: Commissioner Gardner

Central Juvenile Hall
1605 Eastlake Ave.
Los Angeles, CA 90033
(323) 226-8611
Date of Inspection: 02/14/2016
Inspected by: Commissioner Martinez

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Camp Rockey
1900 N. Sycamore Cyn. Rd.
San Dimas, CA 91773
(909) 599-2391
Dates of Inspection – 06/11/16 and 11/11/16
Inspected by: Commissioner Joe Gardner

Camp Scott
28700 Bouquet Cyn. Rd.
Santa Clarita, CA 91390-1220
(661) 296-8500
Date of Inspection – 03/15/16
Inspected by: Commissioners Levine and Yamashiro

Camp Scudder
128750 Bouquet Cyn. Rd.
Santa Clarita, CA 91390-1220
(661) 296-8811
Date of Inspection – 03/15/16
Inspected by: Commissioners Levine and Yamashiro

The following camps were not accessible due to conditions noted below:

Camp Holton (**CLOSED**)
12651 N. Little Tujunga Cyn. Rd.
Sylmar, CA 91342
(818) 896-0571

Camp Kilpatrick (**CLOSED – NEW FACILITY UNDER CONSTRUCTION**)
427 S. Encinal Cyn. Rd.
Malibu, CA 90265
(818) 889-1353

Camp Miller 433 S. Encinal Cyn. Rd. (**CLOSED**)
Malibu, CA 90265
(818) 889-0260
Date of Inspection: 8/24/15
Inspected by: Commissioner Clay Hollopeter

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Camp Munz (CLOSED)

42220 N. Lake Hughes Rd.

Lake Hughes, CA 93532

(661) 724-1211

Dates of Inspection – 05/07/15, 08/30/15, 11/24/15

Inspected by: Commissioner Clay Hollopeter

Camp Routh (CLOSED)

12500 Big Tujunga Cyn. Rd.

Tujunga, CA 91042

(818) 352-4407

Reports and Follow-up

The Probation Commission submits their findings to the Probation Department and requests response within thirty days to any action item. The Department reports back to the Commission on what action was taken.

In the event the action item requires immediate attention, the inspecting Commissioner will notify an executive level member of the Probation Commission or of the Probation Department for immediate resolution.

Recommendations

Based on a review of the reports, notes, and memorandums from the Probation Commission and the Probation Department, it is recommended that:

- 1- The Probation Commission standardize their inspection reports to a format consistent with the requirements of the Minimum Standards for Juvenile Facilities Title 15. Crime Prevention and Corrections Division 1. Board of State and Community Corrections Chapter 1., Subchapter 5. Effective April 1, 2014.
- 2- All inspection reports should be based on factual observations and documented in a professional, respectful manner. Summaries, opinions, and recommendations should be written in a manner that addresses the issue without sensationalism.
- 3- Develop a training program in partnership with the California Board of Standards Community Corrections and the Los Angeles County Probation Department on properly conducting inspections, documenting inspections, and procedure for follow-up by the Probation Department and the Probation Commission.

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- 4- Work with Probation Department and County Counsel to develop a procedure for reporting, tracking, filing, and retaining inspection reports.
- 5- Develop a policy with County Counsel and the Probation Department on releasing any documents pursuant to the Public Records Act and confidentiality laws.
- 6- Develop an automated tracking system for the commission to ensure all facilities are inspected within a calendar year.

History

The Probation Commission, originally the Probation Committee, was created in 1903 and is one of the County's oldest official bodies. Established to meet the Welfare and Institutions Code requirements for a Probation Committee in each county with the population in excess of 6,000,000 in lieu of a county juvenile justice commission, it consisted of not less than seven members designated as "Officers of the County" who were authorized to be called "Commissioners" in official correspondence and in the conduct of official business.

Under provisions of State law (Section 240 of the Welfare and Institutions Code), the Commission is mandatory and, consequently, has a permanent status in county government.

On February 23, 1960, by order of the Board of Supervisors, the Committee was increased from nine to ten members.

In April 1987, at the request of the County Board of Supervisors, the Legislature amended the Welfare and Institutions Code to change the title of the Probation Committee to Probation Commission. In July, 1987, this action was signed into law by the Governor as part of AB 1287.

On September 7, 1999, by order of the Board of Supervisors, the Probation Commission was increased from ten to fifteen members.

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The Probation Commission continues to address numerous important issues regarding the policies and practices of the Probation Department as they come to the attention of the commission. There are still tremendous, unfinished challenges ahead and we look forward to working on these issues in the future.

Prepared on behalf of the Probation Commission by:

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Los Angeles County Probation Department
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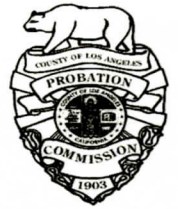
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**Joe Gardner
President**

April 28, 2016

TO: Board of Supervisors Working Group to Assess Oversight of the Probation Department

FROM: Joe Gardner, President, Probation Commission

SUBJECT: PROPOSAL TO IMPROVE OVERSIGHT OF THE PROBATION DEPARTMENT.

Members of the Los Angeles County Probation Commission present this letter to the working group established by the Board of Supervisors tasked to assess oversight of the Probation Department. The commission offers this letter to clarify the functions and current authority of the Probation Commission and to provide a solution to improving oversight of the Probation Department.

At this time, interpretations of the commission's statutory¹ mission vary wildly from, for example, those expressed by County Counsel in its letter dated August 4, 2006 that the commission's sole duty is "to function in an advisory capacity to the Probation Officer" to a Legislative Counsel opinion dated November 1, 2006 whose view is that the Probation Commission has far-reaching oversight responsibilities over the Probation Department. An excerpt is provided from the Legislative Counsel Opinion below:

"Section 243 states that the probation commission shall function in an advisory capacity to the probation officer; however, unlike Sections 229 and 229.5 which set forth the duties and powers of juvenile justice commissions, the provisions relating to the probation commission do not specifically prescribe the duties of the probation commission. Because Section 225 requires a juvenile justice commission in each county and because Section 240 provides that the probation commission is appointed in lieu of a juvenile justice commission, in the absence of any statute specifically setting forth the duties and powers of the probation commission, we think that a court would conclude that the probation commission has all the duties and powers of the juvenile justice commission. Therefore, we conclude that the probation commission in Los Angeles County is required to inspect publicly administered juvenile facilities located in the county that are authorized, or whose use is authorized, under juvenile court law. That commission also is authorized to inspect group homes located in the county that serve wards or dependent children of the juvenile court."

A footnote in the same Legislative Counsel Opinion provides further clarification;

"This is consistent with information contained in the legislative history of Section 240. For example, in regard to proposed legislation changing the name of the Los Angeles "probation committee" to the "probation commission," a committee report stated that the

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Legislature had merely permitted Los Angeles County to "retain the name of their preexisting committee with the same duties" as those of the juvenile justice commission (Sen. Com. on Judiciary. Rep. On A.B. 1287 (1987-1988 Reg. Sess.) as amended May 28, 1987, p. 2)

See Cal. W & I Code §§ 225-236, 240-243

Recommendations

The commission is therefore recommending the Board of Supervisors affirm what already exists in Sections 229, 229.5 and 230 of the Welfare and Institutions Code (see attached) and recognize the opinion rendered by the Legislative Counsel dated November 1st, 2006. (see attached) The commission suggests the Board of Supervisors consider passage of a county ordinance that would empower the commission through a separate grant of authority. The ordinance as suggested by the commission includes the following powers and duties:

- To conduct inspections of Probation Department juvenile facilities per Title 15, CCR, § 1313 no less than once a year;
- To submit a report to the Board of Supervisors on an annual basis summarizing the commission's findings;
- Provision for staff adequate to assist the commission in exercising its duties;
- The commission should be empowered to participate in the selection of the new Chief, perhaps to hear from finalists for the position, and make a recommendation to the Board of Supervisors;
- The Commission will provide an annual recommendation of confidence on the performance of the Chief Probation Officer to the Board of Supervisors;
- Subpoena power if necessary to secure the appearance of individuals before the commission;
- To conduct hearings on selected topics including the conditions of custody of detained minors, the services offered to youth under supervision in the field, etc. Witnesses to include members of the community and youth in addition to probation staff;
- To receive all fiscal audits of department funds whether internal or external;
- To receive all audits, reports, and/or studies from the Department of Justice, academic institutions, and all other governmental or non-governmental agencies regarding juvenile-related issues of the Probation Department and furthermore, to receive the responses promptly from the Probation Department on these reports;

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- To review proposed budgets for the department and submit comments to the Chief Executive Officer and the Board of Supervisors, if appropriate;
- To be granted access to statistics and data collected/kept by the department in the course of business;
- To be informed of all programs administered by county departments that provide services to juveniles and adults on probation;
- To receive input from appropriate community groups and individuals concerning county administered probation services programs;
- To review and make recommendations to the Board of Supervisors concerning legislation dealing with probation services;
- To make recommendations as necessary to various department heads to improve services to individuals on probation;
- To make recommendations as necessary to the Board of Supervisors on action to be taken to improve probation services.

These suggestions along with those duties under the law, outlined in the Welfare and Institution Code previously mentioned would go a long way to improving the commission's ability to perform oversight of the Probation Department.

History

As a brief overview, the Probation Commission was created in 1903 and is one of the County's oldest official bodies. There are fifteen members of the commission, appointed by the Board of Supervisors. Members are selected to represent the diversity of the community and each commissioner possesses expertise from a variety of professional disciplines, from education, public health, from the judicial system, youth advocacy and law enforcement.

Under the provisions of Section 240 et seq. of the California State the Welfare and Institution Code, the establishment of the commission is mandatory and consequently has a permanent status in county government. It also meets the additional requirement that each county in California have a juvenile justice commission. It is given this authority under Article IV, Section 14 of the Los Angeles County Charter. Pursuant to this County Charter, the commission is an executive office and serves as an advisory oversight body to the Chief Probation Officer and the Probation Department.

Functions

The Probation Commission conducts monthly public meeting at the Hall of Administration on the second and fourth Thursday of each month. All meetings are governed by the Brown Act. Attendees include representatives of the Probation Department and the general public.

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The purpose meetings are to discuss matters of concern and deficiencies identified by the commission with the mission of correction or remediation by the Probation Department.

The current functions of the commission include the inspections of Probation juvenile halls and camps. Each facility is inspected not less than once a year by a commissioner. The commissioner prepares a written report with his or her findings and circulates that report to the full commission, and appointing supervisors as well as to the department. Such reports have led to the exploration of critical issues such as the use of isolation in the facilities, the nutrition received by youth, and the physical environment within which the youth live. The commission provides annual reports to the Board of Supervisors and it annually shares the findings of its inspection reports with the Board of State and Community Corrections (BSCC).

Commissioners participate in routine exchanges of information with the Board of Supervisors through their Justice Deputies, the Probation Department and public at large. Members of the commission serve as ambassadors of the Probation Commission at Probation Department functions.

The Probation Commission also provides oversight and works in an advisory capacity to the adult side of the Probation Department through membership in the Countywide Criminal Justice Coordination Committee.

Resources required

The Probation Commission performs all these duties, tasks and functions with only minimal support and funding from the county via the Probation Department.

The commission's current authority and mission have been hindered by its lack of resources; we have inadequate support personnel and funding. The additional roles of oversight responsibilities proposed herein require dedicated, capable staff, independent from the Probation Department able to assist with the important functions of the commission. Current resources provided by the Probation Department are two secretaries who work in other divisions. The secretaries must divide their time between their primary duties and the tasks and activities generated by the commission. That they are employees of the Probation Department has raised concerns about the commission's autonomy from the Probation Department which is necessary to conduct unbiased oversight. Members of the commission have voiced a need to be separate and unencumbered by the Probation Department. There is also a clear need for dedicated full-time support staff.

The duties of the commission require the services of a 1.0 Full Time Equivalent Administrative Analyst II position and one 0.3 Full Time Equivalent Legal Processing Specialist (LPS) to perform the following duties:

- Document management that includes preparation and distribution of the agendas, minutes, press releases and monthly recaps.
- The collection and maintenance of inspection reports, responses from the Department, commission bylaws and data ordered and generated by the commission.

Commissioners

Joe Gardner-President, Jan Levine-1st Vice President, Clayton Hollopeter-2nd Vice President, Daniel Seaver-3rd Vice President, Donald Meredith-Sergeant at Arms, Azael Martinez-Sonoqui, Cyn Yamashiro, Esq. Fitzgerald Jones, Gabriella Holt, R.N. E.J.D. Jacqueline Caster, Esq. Jo Kaplan, Esq. Olivia E. Mitchell, Peter Shutan, Zachary Hoover, Betsy Butler



COUNTY OF LOS ANGELES PROBATION COMMISSION
9150 EAST IMPERIAL HIGHWAY
DOWNEY, CALIFORNIA 90242
(562) 940-2754



- Review of all documents prior to their official release to the public.
- Facilitating and coordinating twice-monthly meetings of the commission.
- Facilitating training and orientation of all commissioners.
- Maintenance of master calendar to assure inspection and reporting timelines and deadlines are met and meetings and other activities are scheduled.
- Maintenance of commission budget and expenditures.
- Coordination of website updates and revisions to assure public transparency.
- Responding to inquiries made to the commission.

In addition to the acquisition of an administrative analyst II and legal processing specialist, the commission requires office space, two computers, computer server space, shared printer and document scanner for staff to work and conduct the business outlined above. The commission would also require a public website and webmaster governed by a county entity outside of the Probation Department and modest budget to facilitate meetings and pay for stipends. In order to stay current with Board of State and Community Corrections best practices, it is essential that a budget include a line item for on-going annual training for the commissioners.

Conclusion

Appointed members of the Probation Commission are professional and dedicated to their role of assuring the humane treatment of those under the supervision of the Probation Department. The commission seeks to collaborate and support the Probation Department to deter recidivism with the primary goal of keeping our communities safe.

The commission will abide with decisions made in the greater interest of the public at-large and that provides the best oversight of the Probation Department.

I thank the Board of Supervisors Working Group in advance for reviewing this document and appreciate your consideration of the recommendations contained herein and for the work done by the Probation Commission.

Submitted,

Joe Gardner, President
Los Angeles County Probation Commission
Cell (626) 407-7571
joegardner73@gmail.com

Commissioners

Joe Gardner-President, Jan Levine-1st Vice President, Clayton Hollopeter-2nd Vice President, Daniel Seaver-3rd Vice President, Donald Meredith-Sergeant at Arms, Azael Martinez-Sonoqui, Cyn Yamashiro, Esq. Fitzgerald Jones, Gabriella Holt, R.N. E.J.D. Jacqueline Caster, Esq. Jo Kaplan, Esq. Olivia E. Mitchell, Peter Shutan, Zachary Hoover, Betsy Butler



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Attachment-Relevant Sections of the Welfare and Institutions Code

The language of the statute is clear that the Probation Commission exists in lieu of a county juvenile justice commission.

Underlined the portions of the code empower and require the Probation Commission to perform important duties and functions.

Note that the final section, 230 W.I.C. does not limit the commission's counsel and advice solely to the Chief.

229. It shall be the duty of a juvenile justice commission to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose, the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions no less frequently than once a year, and may hold hearings. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission. A juvenile justice commission shall annually inspect any jail or lockup within the county which in the preceding calendar year was used for confinement for more than 24 hours of any minor. It shall report the results of such inspection together with its recommendations based thereon, in writing, to the juvenile court and to the Board of Corrections.

229.5. (a) Notwithstanding any other provision of law, a juvenile justice commission may inquire into the operation of any group home that serves wards or dependent children of the juvenile court and is located in the county or region the commission serves. The commission may review the safety and well-being of wards or dependent children placed in the group home and the program and services provided in relation to the home's published program statement. (b) In conducting its review, the commission shall respect the confidentiality of minors' records and other information protected under other provisions of law. It may review court or case records of a child provided it keeps the identities of minors named in those records confidential, and may review the financial records of a group home. However, the commission may not review the personnel records of employees or the records of donors to the group home. (c) The commission shall give the group home manager at least 24 hours' advance notice of a visit to a group home. If the commission believes that there is a serious violation of applicable licensing laws or regulations or that residents of a group home are in danger of physical or mental abuse, abandonment or other substantial threat to their health and safety, the commission shall notify the Community Care Licensing Division of the State Department of Social Services for appropriate action, shall consult with the presiding judge of the juvenile court and chief probation officer as to whether or not a visit is appropriate, and shall notify other juvenile justice commissions of its actions, as appropriate. (d) Upon the completion of a visit, if the commission finds any condition in the group home that poses a danger to its residents or otherwise violates any applicable law, ordinance, or regulation, the commission shall verbally advise the group home manager of its findings, unless it determines that the advisement could be detrimental to the children placed there, and shall send written confirmation of its findings to the group home manager

Commissioners

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Daniel Seaver-3rd Vice President, Donald Meredith-Sergeant at Arms, Azael Martinez-Sonoqui,
Cyn Yamashiro, Esq. Fitzgerald Jones, Gabriella Holt, R.N. E.J.D. Jacqueline Caster, Esq.
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within 14 days. The commission may also report its findings to the presiding judge of the juvenile court, chief probation officer, State Department of Social Services, or other juvenile justice commissions as appropriate. A group home manager may meet with the juvenile justice commission, chief probation officer, county welfare director, juvenile court, or the State Department of Social Services to resolve any problem or to submit a plan of correction.

230. A juvenile justice commission may recommend to any person charged with the administration of any of the provisions of this chapter such changes as it has concluded, after investigation, will be beneficial. A commission may publicize its recommendations.

Commissioners

Joe Gardner-President, Jan Levine-1st Vice President, Clayton Hollopeter-2nd Vice President, Daniel Seaver-3rd Vice President, Donald Meredith-Sergeant at Arms, Azael Martinez-Sonoqui, Cyn Yamashiro, Esq. Fitzgerald Jones, Gabriella Holt, R.N. E.J.D. Jacqueline Caster, Esq. Jo Kaplan, Esq. Olivia E. Mitchell, Peter Shutan, Zachary Hoover, Betsy Butler



ROBERT B. TAYLOR
Chief Probation Officer

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT

Carl Washington, Division Chief

Intergovernmental Relations and Community Outreach Services

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November 1, 2006

TO: Probation Commission

From: Carl Washington *Carl*
Division Chief

SUBJECT: California Legislative Opinion

I am forwarding to you the opinion from the Legislative Counsel of the State of California regarding your functions in lieu of a Juvenile Justice Commission.

August 16, 2006

Honorable Karen Bass
Room 2117, State Capitol

PROBATION COMMISSION: LOS ANGELES COUNTY - #0619191

Dear Ms. Bass:

QUESTION

Is the probation commission in Los Angeles County authorized or required to inspect juvenile facilities located in the county?

OPINION

The probation commission in Los Angeles County is required to inspect publicly administered juvenile facilities located in the county that are authorized, or whose use is authorized, under juvenile court law. That commission also is authorized to inspect group homes located in the county that serve wards or dependent children of the juvenile court.

ANALYSIS

Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code¹ contains the Arnold-Kennick Juvenile Court Law. Section 225, which is contained in that chapter, requires that each county establish a juvenile justice commission. In lieu of this, two or more adjacent counties may establish a regional

¹ All further section references are to the Welfare and Institutions Code, unless otherwise indicated.

Honorable Karen Bass - Request #0619191 - Page 2

juvenile justice commission (Sec. 226). The duties of a juvenile justice commission are set forth in Section 229, as follows:

"229. It shall be the duty of a juvenile justice commission to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions no less frequently than once a year, and may hold hearings. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission.

"A juvenile justice commission shall annually inspect any jail or lockup within the county which in the preceding calendar year was used for confinement for more than 24 hours of any minor. It shall report the results of such inspection together with its recommendations based thereon, in writing, to the juvenile court and to the Board of Corrections."

Thus, a juvenile justice commission is required to inspect, at least annually, all publicly administered institutions in the county or region that are authorized, or whose use is authorized, under the juvenile court law.

In addition, Section 229.5 authorizes the commission to inquire into the operation of any group home² located in the county or region that serves wards or dependent children of the juvenile court, and to review the safety and well-being of those wards or dependent children.

² A group home generally refers to a nondetention privately operated residential home, operated on a nonprofit basis, that provides services in a group setting to children in need of care and supervision (see, for example, Sections 740 and 11400).

Honorable Karen Bass - Request #0619191 - Page 3

Subdivision (a) of Section 229.5 provides, in relevant part, as follows:

"229.5. (a) Notwithstanding any other provision of law, a juvenile justice commission may inquire into the operation of any group home that serves wards or dependent children of the juvenile court and is located in the county or region the commission serves. The commission may review the safety and well-being of wards or dependent children placed in the group home and the program and services provided in relation to the home's published program statement.

* * *

Further, a commission may recommend to any person charged with the administration of specified provisions governing certain commissions and committees related to juvenile delinquency prevention changes it concludes, after investigation, will be beneficial (Sec. 230).

With respect to Los Angeles County, Section 240 requires that a probation commission act in lieu of a juvenile justice commission in that county. That section reads as follows:

"240. In counties having a population in excess of 6,000,000 in lieu of a county juvenile justice commission, there shall be a probation commission consisting of not less than seven members who shall be appointed by the same authority as that authorized to appoint the probation officer in that county."³⁾

Thus, "in lieu of" a county juvenile justice commission, there is a probation commission in Los Angeles County. "In lieu of" means "in place of" (*Carey v. Retirement Board* (1955) 131 Cal.App.2d 739, 745 overruled on other grounds by *Abbott v. Los Angeles* (1958) 50 Cal.2d

³ According to the U.S. Census, the population in Los Angeles County as of the year 2000, exceeded 9,000,000 (<http://www.census.gov> [as of Aug. 4, 2006]).

Honorable Karen Bass -- Request #0619191 -- Page 4

438, 453). Section 243 states that the probation commission shall function in an advisory capacity to the probation officer; however, unlike Sections 229 and 229.5 which set forth the duties and powers of juvenile justice commissions, the provisions relating to the probation commission do not specifically prescribe the duties of the probation commission. Because Section 225 requires a juvenile justice commission in each county and because Section 240 provides that the probation commission is appointed in lieu of a juvenile justice commission, in the absence of any statute specifically setting forth the duties and powers of the probation commission, we think that a court would conclude that the probation commission has all the duties and powers of the juvenile justice commission.⁴

Therefore, we conclude that the probation commission in Los Angeles County is required to inspect publicly administered juvenile facilities located in the county that are

⁴ This is consistent with information contained in the legislative history of Section 240. For example, in regard to proposed legislation changing the name of the Los Angeles "probation committee" to the "probation commission," a committee report stated that the Legislature had merely permitted Los Angeles County to "retain the name of their preexisting committee with the same duties" as those of the juvenile justice commission (Sen. Com. on Judiciary, Rep. on A.B. 1287 (1987-1988 Reg. Sess.) as amended May 28, 1987, p. 2).

Honorable Karen Bass - Request #0619191 - Page 5

authorized, or whose use is authorized, under juvenile court law. That commission also is authorized to inspect group homes located in the county that serve wards or dependent children of the juvenile court.

Very truly yours,

Diane F. Boyer-Vine
Legislative Counsel

By

Felicia A. Lee
Deputy Legislative
Counsel

FAL:dil



**COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL**

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August 4, 2006

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Gabriella Holt, President
County of Los Angeles
Probation Commission
9150 E. Imperial Highway
Downey, California 90242

Re: Powers and Duties of the Probation Commission

Dear Ms. Holt:

Your letter of May 30, 2006, presents the following questions regarding the powers and duties of the Probation Commission:

1. What are the specific powers and duties of the Los Angeles County Probation Commission?
2. Does the Probation Commission have the powers of a Juvenile Justice Commission?
3. Are any duties imposed upon the Probation Commission by Title 15, § 1313?
4. What constitutes a "majority" for action taken at a Commission meeting, a majority of the Commission or a "majority" of the quorum in attendance?
5. Can the duties described in Welfare and Institutions Code § 209(b) be delegated by the Juvenile Court to the Probation Commission?

CONCLUSIONS

1. The Probation Commission's sole duty is to function in an advisory capacity to the Probation Officer. Its powers are limited to those necessarily required to perform that duty.
2. The Probation Commission is not a Juvenile Justice Commission and has none of the powers and duties of a Juvenile Justice Commission.
3. Title 15, § 1313 does not impose duties upon the Probation Commission.
4. A "majority" for action taken at a Probation Commission meeting is a majority of the quorum in attendance.
5. The duties described in Welfare and Institution Code § 209(b) can be delegated by the Juvenile Court to a Juvenile Justice Commission, but not to the Probation Commission.

ANALYSIS

The Number of Commissioners Required to Take Action

We first address the issue of what constitutes a majority for action taken at a Probation Commission meeting.

The Los Angeles County Probation Commission must consist of no less than seven members.¹ By order of the Board of Supervisors, there are to be 15 members of the Probation Commission, with three nominated by each of the five members of the Board of Supervisors.²

¹ Welfare and Institutions Code § 240.

² County of Los Angeles Board of Supervisors Order 111, of September 7, 1999.

A quorum is generally defined as the least number of the members of a body that can transact the business of that body.³ At common law,⁴ and by statute,⁵ a simple majority of a body's members constitutes a quorum. Applying this rule, a quorum of the Probation Commission consists of at least eight of its members. If there are vacancies on the Commission, a quorum is computed as if there are no vacancies.⁶ In the case of your Commission, a quorum requires the attendance of at least eight members, even if there are vacancies in the number of appointed Commissioners. A meeting of the Commission may not proceed without a quorum.

In the absence of a statutory restriction, the majority of a quorum may take action.⁷ That is, if only eight members of the Probation Commission are present at a meeting, a quorum exists, and the votes of five of those members will be sufficient to take action.

The Powers and Duties of the Commission

Your remaining questions all concern the powers and duties of the Probation Commission and whether those powers and duties are commensurate with those of a Juvenile Justice Commission. The Probation Commission does not have the powers and duties of a Juvenile Justice Commission. The two Commissions are distinct bodies with different statutorily defined powers and duties.

³ *People v. Dale*, (1947) 79 Cal. App. 2d 370, 375.

⁴ *Urisno v. Superior Court*, (1974) 39 Cal. App. 3d 611, 621.

⁵ Civil Code § 12, Code of Civil Procedure § 15, *Ford v. Civil Service Commission*, (1958) 161 Cal. App. 2d 692, 697.

⁶ *Pennington v. George W. Pennington & Sons*, (1950) 27 Cal. App. 57, 59-60.

⁷ *People ex. rel. Flint v. Harrington*, (1883) 63 Cal. 257, 259-260.

The Legislature has established Juvenile Justice Commissions in each county. These Commissions are required to have between seven and 15 members. At least two members must be between the ages of 14 and 21. Juvenile Justice Commissioners are appointed by the Presiding Judge of the Superior Court.⁸ Juvenile Justice Commissions are charged with a range of duties and granted powers commensurate with those duties. A Juvenile Justice Commission is required to inquire into the administration of the Juvenile Court Law in the county. It has access to public institutions, and must inspect those institutions no less than once a year. It may hold hearings and issue subpoenas.⁹ A Juvenile Justice Commission may inquire into the operations of group homes¹⁰, and may make recommendations to any person charged with administration of any provision of the Juvenile Court law.¹¹

In counties with a population in excess of 6 million, there is a Probation Commission "in lieu of" a Juvenile Justice Commission. A Probation Commission consists of at least seven members appointed by the authority that appoints the Probation Officer.¹² Los Angeles County is the only county which meets the requirements of the statute, and is the only county with a Probation Commission. "In lieu of" means "instead of," "in place of," or "in substitution for."¹³ In the County of Los Angeles, there is a Probation Commission "instead of," "in the place of," or "in substitution for," a Juvenile Justice Commission.

⁸ Welfare and Institutions Code § 225.

⁹ Welfare and Institutions Code § 229.

¹⁰ Welfare and Institutions Code § 229.5.

¹¹ Welfare and Institutions Code § 230.

¹² Welfare and Institutions Code § 240.

¹³ *Carey v. Retirement Board*, (1955) 131 Cal. App. 2d 739, 745. Disapproved on other grounds, *Abbott v. City of Los Angeles*, (1958) 50 Cal. 2d 438, 453.

The Board of Supervisors of Los Angeles County appoints the Probation Officer,¹⁴ and, therefore, appoints the members of the Probation Commission. In contrast to the broad duties imposed upon a Juvenile Justice Commission,¹⁵ the Probation Commission, by statute, is expressly charged with but one duty: it advises the Probation Officer.¹⁶

Even if we discerned an ambiguity in the statutory language, the rules of statutory construction would lead us to the same conclusion. The statute defining the Probation Commission's duties lists only one duty, advising the Probation Officer. Under the doctrine of *expressio unis est exclusio alterius*, the express statutory description of that single duty precludes the existence of other implied duties.¹⁷

In construing a statute, we must give effect to every word and clause and must consider the absence of a word or clause.¹⁸ In describing the duties of the Juvenile Justice Commission, the Legislature listed a series of duties and empowered the Juvenile Justice Commission to advise all persons associated with the administration of the Juvenile Court law. In the case of the Los Angeles County Probation Commission, the Legislature imposed the duty of advising only one of that class of officials, the Probation Officer. If we were to conclude that a Probation Commission has the same powers and duties as a Juvenile Justice Commission, the description of a Probation Commission's duty found in Welfare and Institutions Code § 243 would be surplusage. A rule of statutory construction dictates that a statutory interpretation resulting in surplusage should be avoided.¹⁹

¹⁴ County of Los Angeles Charter §§ 11, 14.

¹⁵ Welfare and Institutions Code § 229.

¹⁶ Welfare and Institutions Code § 243.

¹⁷ *Burlingame v. Treager*, (1929) 101 Cal. App. 365, 371.

¹⁸ *Arden Carmichel Inc. v. County of Sacramento*, (2001) 93 Cal. App. 4th 507, 517.

¹⁹ *Cooley v. Superior Court*, (2002) 29 Cal. 4th 228, 249.

The legislative history of Juvenile Justice Commissions and the Los Angeles County Probation Commission is also consistent with our interpretation that the Los Angeles County Probation Commission has powers and duties different from those of a Juvenile Justice Commission.

In 1945, the management and control of the Juvenile Halls in all California counties, including Los Angeles County, was vested by the Legislature in each county's "Probation Committee." Probation Committees were the statutory predecessor to both Juvenile Justice Commissions and the Los Angeles County Probation Commission.²⁰ But since 1949, through several legislative amendments, Los Angeles County's Probation Commission or Probation Committee has had different powers and duties than those legislatively granted to the Juvenile Justice Commissions or Probation Committees in all other counties.

In 1949, the applicable statute was amended to provide that the management of the Juvenile Hall in Los Angeles County was under the control of the Probation Committee. In all other counties, the Probation Committee had only an advisory function.²¹

In 1951, a Probation Committee still managed the Juvenile Hall in Los Angeles County. Probation Committees in all other counties still only had an advisory role, but the Juvenile Court in those other counties could place control of the Juvenile Halls in the county's Probation Committee.²²

Things changed again in 1957. The Legislature took management of the Los Angeles County Juvenile Hall away from the Probation Committee and gave it to the Probation Officer. The Probation Committee was left with an advisory role. In all other counties, the Probation Officer had control of the Juvenile Hall subject to the Probation Committee's advice, but the Juvenile Court could still place control of the Juvenile Halls under the Probation Committee.²³ This option

²⁰ Stats 1945, Chap. 967 § 4.

²¹ Stats 1949, Chap. 1585 § 3.

²² Stats 1951, Chap. 582 § 3.

²³ Stats 1957, Chap. 906 §§ 2 and 3.

was not available in Los Angeles County where the Probation Committee's role could only be advisory.

In 1961, the Legislature created Juvenile Justice Commissions in each county with duties similar to those described in the current statute. Probation Committees in those counties were eliminated. In Los Angeles County, a Probation Committee was established "in lieu of" a Juvenile Justice Commission. The statutory duties of the Probation Committee in Los Angeles County were the same as those of today's Probation Commission; it was an advisory body to the Probation Officer.²⁴

In 1987, the Los Angeles "Probation Committee" was renamed "Probation Commission." Its duties were not changed.²⁵

Since 1949, the Legislature has consistently established different powers and duties for the Probation Committee or Probation Commission in Los Angeles County than those provided to Probation Committees or Juvenile Justice Commissions in all other counties. At times, the Commission or Committee in Los Angeles County has had greater powers and duties than those in other counties. At other times, it has had less. But for more than five decades, the Legislature has consistently treated the Los Angeles County Probation Committee or Probation Commission differently than Probation Committees and Juvenile Justice Commissions in all other counties. This Legislative history precludes an interpretation of current legislation suggesting that the Los Angeles County Probation Commission has duties and powers that are identical to those of the Juvenile Justice Commissions existing in all other counties.

We conclude that the legislative intent expressed in Welfare and Institutions Code §§ 225 *et seq.* and 240 *et seq.* is for the Los Angeles County Probation Commission to have an advisory function to the Probation Officer, and not the broader powers of a Juvenile Justice Commission.

²⁴ Stats 1961 Chap. 1616 §§ 540-545.

²⁵ Stats 1987 Chap. 228 § 3.

In the absence of express statutory powers, the Commission's powers are limited, but include those necessarily implied by its duty to advise the Probation Officer.²⁶ The Probation Officer's responsibilities are varied. They include taking custody of detained minors, preparing probation reports, supervising probationers, and crime prevention. Your Commission has implied powers to collect the information necessary to advise the Probation Officer on these duties as well as all of his or her other statutory responsibilities. For example, your Commission may interview Probation Department employees, members of the public, public officials, and with permission of their counsel, minors held in the Probation Officer's custody. The Probation Officer may also grant access to her or his facilities to members of the Commission.

These conclusions answer your remaining questions. Welfare and Institutions Code § 209(b) requires that the Juvenile Court conduct an annual inspection of all law enforcement facilities containing a lockup for adults that was used in the preceding year for the secure detention of any minor. The Juvenile Court may conduct this inspection personally, or may delegate the responsibility to a "Juvenile Justice Commission."²⁷ As explained, the "Probation Commission" is not a "Juvenile Justice Commission." Welfare and Institutions Code § 209(b) lacks any reference to a Probation Commission, and we are not at liberty to add the Probation Commission to the express terms of the statute. Your Commission has no duty to conduct the inspections statutorily required to be either personally performed by the Juvenile Court or delegated by that court to a Juvenile Justice Commission.

Title 15, California Code of Regulations, § 1313 also imposes no duties upon your Commission. The regulation imposes duties upon a facility administrator to obtain certificates of inspection of facility buildings and grounds from a number of agencies. The regulation imposes no duty upon your Commission to either conduct an inspection or issue a certificate. The duty of an agency to conduct an inspection or issue a certificate must be found in some other statute or regulation. However, no statute imposes a duty upon the Probation

²⁶ *San Vicente Nursery School v. County of Los Angeles*, (1956) 147 Cal. App. 2d 79, 83.

²⁷ Welfare and Institutions Code § 209(b).

Gabriella Holt

Page 9

Commission to conduct inspections or perform any duties other than that of advising the Probation Officer.²⁸ The language of the applicable statutes, Welfare and Institutions Code §§ 240 and 243, controls over an inconsistent administrative regulation promulgated to implement those statutes.²⁹

In summary, the Probation Commission has but one duty: it is to act in an advisory capacity to the Probation Officer. It has those powers necessarily implied to perform that duty. It must have a quorum of at least eight members present to conduct a meeting. A majority of the quorum present at a meeting must vote in favor of any proposed action.


Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By 

GORDON W. TRASK
Principal Deputy County Counsel
Law Enforcement Services Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

GWT:bl

²⁸ Welfare and Institutions Codes §§ 240, 243.

²⁹ *Nevada County Office of Education v. Riles*, (1983) 149 Cal. App. 3d 767, 733.

MOTION BY SUPERVISORS SHEILA KUEHL
AND MARK RIDLEY-THOMAS

January 26, 2016

Over the past 10 years, the Los Angeles County Department of Probation (Department) has been led by no fewer than five Chief Probation Officers. Each has attempted to put their own stamp on the nation's largest probation system. Now, the County is engaged in a national search for yet another leader, one who will reflect the rehabilitative values and goals envisioned by the current Board. In order to take advantage of this time of change and reform, it is important to assess the past action and oversight of the Department, evaluate ongoing needs and determine what modifications might be adopted at this critical time of reformative change in Los Angeles County.

In years past, the Department was plagued with allegations and a number of substantiated cases relative to inappropriate relations between probation officers and youths in camp and juvenile hall, the initiation of staged fights, drug and alcohol abuses, worker's compensation fraud and other serious violations of policy. On November 6, 2006, the United States Department of Justice (DOJ) initiated an investigation into whether youth housed at these Probation facilities were adequately protected from harm

MOTION

RIDLEY-THOMAS _____

KUEHL _____

KNABE _____

ANTONOVICH _____

SOLIS _____

and subjected the County to monitoring and correction. As the County emerged from DOJ monitoring, a number of different advisory commissions and departmental units were developed in order to continue the improvement of Probation operations. The following summarizes several oversight and advisory efforts (pre- and post-DOJ investigation):

- The Sybil Brand Commission, founded in 1959, is tasked with inspecting jails, lockups and probation facilities. It evaluates each facility's administration for effectiveness, economic health, cleanliness, discipline and comfort of inmates, as well as juveniles at probation camps and juvenile halls. The Board receives reports from this Commission.
- The Civil Grand jury investigates County, City and joint power agencies and its 23 members are charged with responding to citizen complaints, visiting jails and making recommendations for improving County operations. Members of the Civil Grand Jury are nominated by Superior Court Judges.
- The Los Angeles County Board of Supervisors established the Countywide Criminal Justice Coordination Committee (CCJCC) in 1981 as an advisory body that reports to the Board and serves as a unique policy forum for the development and coordination of strategies to improve the operation of the justice system. CCJCC does not oversee probation operations. It does, however, work closely with the Probation Department on a wide variety of issues, such as the implementation of the Prop 36 drug treatment program, drug courts, Public Safety Realignment and the recently authorized collection of victim restitution from the impacted AB 109 populations.
- The Probation Commission was established on September 7, 1999. This 15-

member Commission is an advisory body to the Board and primarily inspects the 13 juvenile camps and three juvenile halls in Los Angeles County to assure compliance with applicable laws and regulations regarding the health, safety, welfare and education of youth at these facilities. This Commission provides reports to the Board on their findings.

- In October of 2010, while still being monitored by DOJ, the Board of Supervisors (Board), created a separate and distinct internal affairs division tasked with assisting the Probation Department with investigations, use of force reviews, disciplinary processes and analysis of on-and-off duty probation officer behavior. This division, formerly part of the Office of Independent Review (OIR) covering both the Sheriff and Probation, became the Office of Independent Monitoring (OIM). Three full-time attorneys now monitor and advise Probation. This was considered the first independent oversight of a Probation Department in the country.
- In 2011, in response to several county reports on juvenile reentry issues, the County established the Juvenile Reentry Council, chaired by the CEO's office and the Courts. The Council was tasked with overseeing and coordinating reentry services for the County, particularly for youth leaving camps. The Council has not formally dissolved but has stopped meeting.
- When the DOJ monitors left Los Angeles in December 2014, the Probation Department established the DOJ Compliance and Quality Assurance Bureau which is tasked with collecting data to measure overall DOJ related program performance measures and outcomes. The unit's 16 probation officers, acting as monitors, report to a Probation Director who in turn reports to a Bureau Chief.

This compliance unit provides analysis of their findings through audits and reports, assists with the development of sound Corrective Action Plans and monitors the progress of the plans, evaluates DOJ related programs and services and conducts daily updating of data into the various databases used by the DOJ compliance unit.

- In addition, over the past 10 years the Board has directed the Auditor-Controller to conduct audits and prepare reports relating to the Probation Department's budget, fiscal and personnel functions to ensure compliance with Board-approved policies including recruitment, cost effectiveness of camps and halls, grant outcomes and evaluations, Request for Proposal procedures, operating costs, and numerous realignment and Prop 47 issues.
- The Contract Monitoring Office within the Probation Department is tasked with determining whether the Probation Department's contractors are financially viable and also to maintain the necessary fiscal and administrative systems and records to properly manage contracts in order to ensure compliance with Federal, State and County guidelines and determines whether contractors are providing the type and required level of services specified in their contracts.
- In response to the Los Angeles Probation Outcome Study Report released in the spring of 2015, the Board of Supervisors created a Probation Workgroup to address specific issues found to contribute to the reduction of recidivism, as well as improving the experiences of youth and families in the Probation system. The Probation Workgroup currently has a number of representatives from various County agencies, researchers, schools, advocacy agencies, community based organizations, and youth and parents who have experienced the probation

system. This group of key stakeholders is tasked with presenting a comprehensive juvenile justice strategy, identifying services currently available, highlighting the gaps that exist in needed services, improving the referral system for services, and proposing key measures to publicly report on a regular basis.

- In response to the provisions of Senate Bill 81, a number of committees and leadership bodies were formed with representation from key County departments and external stakeholders to examine practices across a broad range of issues including data collection, staff hiring, training and recruitment, education, trauma informed programs, operational procedures related to institutions, the role of family and community-based providers in juvenile justice, and reentry of youth into communities. Los Angeles is on the verge of establishing, with Probation as the lead agency, the LA Model, which is a small-group therapeutic model that is youth-centered, collaborative across agencies and within families, and embodies a culture of care rather than a culture of control. The model's central framework relies on probation officers to coordinate and deliver a range of integrated services aimed at cultivating opportunities for growth and healing, while at the same time promoting responsibility and personal autonomy. This will require a cultural shift within the Probation Department.

Each one of these entities serves a different function for review, monitoring, coordinating and implementing reform of the Probation Department but none were established to execute comprehensive oversight for the entire system, which serves two distinct and separate populations – Juvenile offenders, both in and out of custody, and Adult probationers.

The youth probationer population has decreased in the last three years from over

12,000 to approximately 9,000 in and out of custody. The camp and juvenile hall populations are at an all-time low of less than 1,800 youths. At the same time, the adult probationer population has increased significantly due to the 2011 adoption of Assembly Bill 109, Public Safety Realignment, which authorized Post-Release Community Supervision (PRCS) for certain non-violent, non-sexual, non-serious offenders being released from State Prisons. With the establishment of the Office of Diversion and Reentry a new era of reform is taking place in Los Angeles, as well. Probation Officers assigned to supervision of transition-age youth and adults will now have to be knowledgeable about substance abuse treatments, mental health programs, housing and educational or vocational options available in the community, among others. Transformative probationary supervision will be required in order to achieve an orientation towards the social-emotional well-being of clients rather than an overseer of enforcement.

With this information as context and acknowledging that many improvements have been made in the last decade, the County is in the process of selecting a new leader for a Department that is in flux. There is no overall, formal assessment and reporting process. Disparate silos parse out information to the Department and the Board. It is necessary, at this time, to examine overlaps and duplications in current efforts being performed, as well as identification of potential needs for more effective oversight.

Currently, there is no entity monitoring all the disparate pieces. We must devise a better way of evaluating Department staff, facilities, financials, operations and population outcomes in order to assure consistency in Probation compliance and effectiveness of many of the programs. The Board must evaluate whether there is an

opportunity for comprehensive oversight of the entire Probation Department.

WE, THEREFORE, MOVE that the Board of Supervisors establish a working group, convened by the Chief Executive Officer (CEO), comprised of the Acting Probation Chief, County Counsel and one appointee of each Supervisor to identify and assess the current landscape of entities tasked with any aspect of evaluating, monitoring and correcting the work of the Probation Department.

WE FURTHER MOVE that the Working Group:

1. Evaluate the feasibility of establishing a permanent Probation Oversight Commission, similar to that recently established to oversee the Sheriff's Department, to oversee the operations of the Probation Department. The working group shall, after evaluating the existing entities, recommend whether a Probation Oversight Commission could replace or complement current work and where there may be current overlaps or gaps;
2. Make recommendations that also include a proposal for any investigative and monitoring structure to replace and/or improve the current milieu of various divisions analyzing the Probation Department and reporting back to the Board, as well as identify how the new Commission might access information necessary to their oversight;
3. Include in this evaluation a recommendation as to whether oversight is needed to assess Juvenile and Adult Probation operations collectively (as a whole) or separately; and
4. Report, in writing, to the Board in 90 (ninety) days on its progress and plans for moving forward to achieve the goals set out in this motion.

MEMO

To: Joe Gardner
From: Jan Levine
February 7, 2016
Cc: All members Probation Commission

Re: Proposed powers of county chartered Probation Commission

There is a need to clarify the commission's current authority, and that can be done by a county ordinance that grants the commission specific powers and duties. At this time, interpretations of the commission's statutory¹ mission vary wildly from, for example, those expressed by County Counsel in its letter dated August 4, 2006 that the commission's sole duty is "to function in an advisory capacity to the Probation Officer" to those whose view is that we have far-reaching oversight responsibilities over the Probation Department.

In my view, the statutes establishing the commission can be interpreted to justify both views so it would be helpful to have a county ordinance stand as a separate grant of authority to us.

Such an ordinance might include the following powers and duties:

- To conduct inspections of Probation Department facilities per Title 15, CCR, § 1313 no less than once a year;
- To submit a report to the BOS on an annual basis summarizing the commission's findings;
- Provision for staff adequate to assist the commission in exercising its duties;
- The commission should be empowered to participate in the selection of the new Chief – perhaps to hear from finalists for the position, and make a recommendation to the board;
- Subpoena power if necessary to secure the appearance of individuals before the commission;
- To conduct hearings on selected topics including the conditions of custody of detained minors, the services offered to youth under supervision in the field, etc. Witnesses to include members of the community and youth in addition to probation staff;
- To receive all fiscal audits of department funds whether internal or external;
- To review proposed budgets for the department and submit comments to the CEO and the BOS, if appropriate;
- To be granted access to statistics and data collected/kept by the department in the course of business;
- To be informed of all programs administered by county departments that provide services to juveniles and adults on probation;

¹ See Cal. W & I Code §§ 225-236, 240-243

- The above list is by no means exhaustive. Please add or subtract as you think appropriate. I will say that if we were to be granted the above powers and duties, we would find ourselves spending quite a bit of time on Probation matters!

The above list is by no means exhaustive. Please add or subtract as you think appropriate. I will say that if we were to be granted the above powers and duties, we would find ourselves spending quite a bit of time on Probation matters!



Board of State and Community Corrections
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GOVERNOR Edmund G. Brown Jr.
CHAIR Linda M. Penner
EXECUTIVE DIRECTOR Kathleen T. Howard

July 18, 2014

Attention: Presiding Juvenile Court Judges and Juvenile Justice Commission Chairs

Section 209 of the Welfare and Institutions Code (WIC) contains several inspection requirements for juvenile court judges and Juvenile Justice Commissions. The Board of State and Community Corrections (BSCC) is responsible for inspecting all local detention facilities, juvenile halls, and camps in California, and is also responsible for monitoring jails and lockups that securely detain minors in California.

WIC §209(a)¹ requires a judge of the juvenile court to annually inspect each jail or juvenile hall in the county that held one or more minors for more than 24 hours during the preceding calendar year.

WIC §209(b) requires the juvenile court judge or a delegated member of the Juvenile Justice Commission to inspect each law enforcement facility that contains a lockup² for adults in which one or more minors was SECURELY detained for any length of time.

To assist with your inspection responsibilities, we have enclosed a list of facilities in your county that reported they may hold minors in secure detention. This document also notes the number of minors held in secure detention during calendar year 2013, as reported by these facilities. Facilities holding minors in secure detention require inspection according to WIC §209(b).

Additionally, if you learn of agencies that did not report the secure detention of minors to the BSCC, if you have questions regarding a particular facility, or if there are any changes or updates to your current contact information, you may reach your county's assigned BSCC field representative at (916) 445-5073.

Thank you for your cooperation. Please let us know if you have any questions or concerns.

Sincerely,

ALLISON E. GANTER
Deputy Director
Facilities Standards and Operations Division

Enclosure

¹ WIC §209(a) requires the judge to promptly notify the operator of the facility of any observed noncompliance with minimum standards for juvenile facilities adopted by the BSCC (Title 15, California Code of Regulations).

² Lockup - any locked room, secure enclosure, or cuffing rail under the control of a sheriff or other peace officer that is primarily for the temporary confinement of adults upon arrest.



**COUNTY OF LOS ANGELES PROBATION COMMISSION
9150 EAST IMPERIAL HIGHWAY
DOWNEY, CALIFORNIA 90242
(562) 940-2754**



**Joe Gardner
President**

**Resolution Relating to Solitary Confinement
Resolution #2016-01**

Whereas the President of the United States recently used his executive power to eliminate the use of solitary confinement and isolation for juveniles in all federal institutions; and

Whereas in 2012, the American Academy of Child & Adolescent Psychiatry concluded that solitary confinement of juveniles can lead to depression, anxiety and even psychosis and called for an end to the practice; and

Whereas United Nations representatives found that solitary confinement can amount to torture and urged a ban on solitary confinement of children; and

Whereas the Los Angeles County Probation Commission is concerned about the overuse and the potential harmful impacts of punitively isolating children in incarceration facilities including the common practice of segregating children punitively; and

Whereas the Commission urges the Department to be transparent in its use of solitary or isolation, including administrative holds or the label "Special Supervision Program," the special plan designation that has historically allowed youth to be isolated in solitary without being counted in the daily census of those segregated in isolation; and

Whereas the Probation Department will open a new incarceration facility next year that is being built without isolation rooms, reflecting the development of a new rehabilitative model, one that is meant to be a blueprint for how the Probation Department will evolve to serve troubled young people in its care without utilizing isolation; therefore

We urge the Los Angeles County Board of Supervisors to direct the Probation Department to cease the use of Special Handling Units, solitary or isolation, in all of its names, and the practice and policies which allow isolation to be used for any purposes of coercion, control or discipline other than when all other intercessions have been unsuccessful and when segregation is limited to as short as time as possible and not to exceed four hours and only if the youth's behavior threatens themselves or others, or when requested by the youth.

We further urge the Los Angeles County Board of Supervisors to direct the Probation Department to develop a policy on the subject that reflects the best practices around the care and rehabilitation of young people, including a comprehensive policy of engaging youth to learn how to manage their own misbehavior, including impulse control with a primary focus on conflict de-escalation. Furthermore, we urge the Supervisors to direct the Probation Department to present—in conjunction with this policy—to the Board of Supervisors and the Probation Commission as part of this plan: an outline for training staff in effective, humane alternatives to confinement, a schedule for the policy to be

Commissioners

Joe Gardner-President, Jan Levine-1st Vice President, Clayton Hollopeter-2nd Vice President,
Daniel Seaver-3rd Vice President, Donald Meredith-Sergeant at Arms, Azael Martinez-Sonoqui,
Cyn Yamashiro, Esq. Fitzgerald Jones, Gabriella Holt, R.N. E.J.D. Jacqueline Caster, Esq.
Jo Kaplan, Esq. Olivia E. Mitchell, Peter Shutan, Zachary Hoover, Elizabeth Butler



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implemented, and a satisfactory means of monitoring this policy to ensure it is enacted swiftly and administered consistently.

A roll call vote was taken. Those Commissioners present cast their votes as follows:

Commissioner Elizabeth Butler	Yes
Commissioner Jacqueline Caster	Yes
Commissioner Jo Kaplan	Yes
Commissioner Peter Shutan	Yes
Commissioner Joe Gardner	Yes
Commissioner Jan Levine	Yes
Commissioner Dan Seaver	Yes
Commissioner Clay Hollopeter	Yes
Commissioner Fitzgerald Jones	Yes
Commissioner Olivia Mitchell	No
Commissioner Don Meredith	No

THIS RESOLUTION WAS ADOPTED ON THIS 14th DAY OF APRIL, 2016

Joe Gardner
President, Los Angeles County Probation Commission

Date signed April 14, 2016

Commissioners

Joe Gardner-President, Jan Levine-1st Vice President, Clayton Hollopeter-2nd Vice President,
Daniel Seaver-3rd Vice President, Donald Meredith-Sergeant at Arms, Azael Martinez-Sonoqui,
Cyn Yamashiro, Esq. Fitzgerald Jones, Gabriella Holt, R.N. E.J.D. Jacqueline Caster, Esq.
Jo Kaplan, Esq. Olivia E. Mitchell, Peter Shutan, Zachary Hoover, Elizabeth Butler



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**Joe Gardner
President**

Resolution Regarding the Fair Chance Initiative
Resolution #2016-02

Whereas the County of Los Angeles is home to the largest percentage of California's citizens returning from incarceration,

Whereas research shows that securing employment drastically reduces recidivism and our county recidivism rate is unacceptably high,

Whereas the Probation Department of the County of Los Angeles' mission includes the reduction of recidivism and the rehabilitation of county residents,

Whereas failure to support formerly incarcerated Angelenos' job aspirations disproportionately impacts Black and Latino families,

Whereas over 100 cities and counties and 24 states have "Ban the Box" policies, including nine states and thirteen cities and counties who have extended those policies to include private employers,

Whereas the City of Los Angeles, the largest municipality in the County of Los Angeles and home to the largest number of formerly incarcerated people in the county, is currently considering policies to increase hiring amongst formerly incarcerated people, including the "Fair Chance" Initiative",

Whereas this Commission believes that no one deserves a life sentence of joblessness once their debt has been paid for a past mistake,

We, the County of Los Angeles Probation Commission express, our recommendation to the City of Los Angeles City Council to support and implement an effective "Fair Chance Initiative" capable of helping to increase employment opportunities amongst formerly incarcerated people, including those under or previously under supervision of the Probation Department of the County of Los Angeles.

Furthermore, this motion communicates our support and encouragement to the Supervisors of Los Angeles to express similar support for the Fair Chance Initiative and seek information on similar strategies that may be undertaken by the County of Los Angeles in partnership with private employers.

Motion submitted by: Commissioner Rev. Zachary Hoover

Second: Commissioner Dan Seaver

Commissioners

Joe Gardner-President, Jan Levine-1st Vice President, Clayton Hollopeter-2nd Vice President,
Daniel Seaver-3rd Vice President, Donald Meredith-Sergeant at Arms, Azael Martinez-Sonoqui,
Cyn Yamashiro, Esq. Fitzgerald Jones, Gabriella Holt, R.N. E.J.D. Jacqueline Caster, Esq.
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A roll call vote was taken. Those Commissioners present cast their votes as follows:

Commissioner Zachary Hoover	Yes
Commissioner Elizabeth Butler	Yes
Commissioner Jacqueline Caster	Yes
Commissioner Jo Kaplan	Absent
Commissioner Peter Shutan	No
Commissioner Joe Gardner	Yes
Commissioner Jan Levine	Yes
Commissioner Dan Seaver	Yes
Commissioner Clay Hollopeter	Yes
Commissioner Fitzgerald Jones	Yes
Commissioner Olivia Mitchell	Absent
Commissioner Don Meredith	Yes

THIS RESOLUTION WAS ADOPTED ON THIS 25th DAY OF AUGUST, 2016

Joe Gardner
President, Los Angeles County Probation Commission

Date signed August 25, 2016

Commissioners

Joe Gardner-President, Jan Levine-1st Vice President, Clayton Hollopeter-2nd Vice President,
Daniel Seaver-3rd Vice President, Donald Meredith-Sergeant at Arms, Azael Martinez-Sonoqui,
Cyn Yamashiro, Esq. Fitzgerald Jones, Gabriella Holt, R.N. E.J.D. Jacqueline Caster, Esq.
Jo Kaplan, Esq. Olivia E. Mitchell, Peter Shutan, Zachary Hoover, Elizabeth Butler